

**Letter to Congressional Leaders on  
Encryption Export Policy**

*November 15, 1996*

*Dear Mr. Speaker: (Dear Mr. President:)*

In order to take additional steps with respect to the national emergency described and declared in Executive Order 12924 of August 19, 1994, and continued on August 15, 1995, and August 14, 1996, necessitated by the expiration of the Export Administration Act (EAA) on August 20, 1994, I hereby report to the Congress that pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (the "Act"), I have today exercised the authority granted by the Act to issue an Executive order (a copy of which is attached) to revise the provisions that apply to the administration of the export control system maintained by Department of Commerce in the Export Administration Regulations, 15 CFR Part 730 *et seq.*

The new Executive order relates to my decision to transfer certain encryption products from the United States Munitions List administered by the Department of State to the Commerce Control List administered by the Department of Commerce. When I made that decision I also decided to amend Executive Order 12981 of December 5, 1995, which sets forth procedures for the inter-agency review and disposition of dual-use export license applications, to include the Department of Justice among the agencies that have the opportunity to review such applications with respect to encryption products transferred to Department of Commerce control.

Also, in issuing the new order, I provided for appropriate controls on the export and foreign dissemination of encryption products transferred to the Department of Commerce. Among other provisions, I determined that the export of encryption products transferred to Department of Commerce control could harm national security and foreign policy interests of the United States even where comparable products are or appear to be available from foreign sources. Accordingly, the new order makes clear that any EAA provision dealing with issuance of licenses or removal of controls based on for-

ign availability considerations shall not apply with respect to export controls on such encryption products. Notwithstanding this, the Secretary of Commerce retains the discretion to consider the foreign availability of comparable encryption products in any particular case.

Sincerely,

**William J. Clinton**

NOTE: Identical letters were sent to Newt Gingrich, Speaker of the House of Representatives, and Albert Gore, Jr., President of the Senate.

**Executive Order 13027—  
Establishing an Emergency Board To  
Investigate a Dispute Between the  
Southeastern Pennsylvania  
Transportation Authority and Its  
Employees Represented by the  
Brotherhood of Locomotive  
Engineers**

*November 15, 1996*

A dispute exists between Southeastern Pennsylvania Transportation Authority and certain of its employees represented by the Brotherhood of Locomotive Engineers.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended (45 U.S.C. 151 *et seq.*) (the "Act").

A party empowered by the Act has requested that the President establish a second emergency board pursuant to section 9A of the Act (45 U.S.C. 159a).

Section 9A(e) of the Act provides that the President, upon such request, shall appoint a second emergency board to investigate and report on the dispute.

**Now, Therefore,** by the authority vested in me as President, by the Constitution and the laws of the United States, including section 9A of the Act, it is hereby ordered as follows:

**Section 1. Establishment of the Board.** There is established effective 12:01 a.m., eastern standard time, on November 16, 1996, a board of three members to be appointed by the President to investigate this dispute. No member shall be pecuniarily or otherwise interested in any organization of